



THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

M E M O R A N D U M

DATE: June 26, 2009

TO: Honorable Members of the City Council

FROM: Mayor Jerry Sanders

SUBJECT: Wireless Communication Facilities Policy Stakeholders Review Committee

Background:

In April 2007, the City Council approved an update to the Wireless Communication Policy (City Council Policy Number 600-43, Attachment A), which resulted in changes to the City of San Diego Municipal Code Section 142.0420 (Attachment B) (collectively the "Wireless Regulations"). This policy and code section governs the review and approval process for wireless communication facilities in San Diego. Wireless communication facilities consist of antennas and associated equipment used to provide wireless communications such as telephone, paging or wireless data transmission services.

The primary thrust of the City's approach is described in Section 141.0420 (g) (2) of the Municipal Code which reads as follows:

"The applicant shall use all reasonable means to conceal or minimize the visual impacts of the *wireless communication facilities* through integration. Integration with existing *structures* or among other existing uses shall be accomplished through the use of architecture, landscape and siting solutions."

As seen in public hearings on wireless facility permit applications over the last few years, decision makers have expressed concerns in applying the policy to both new and existing sites. Many hours have been spent in public hearings for existing sites before hearing officers, the Planning Commission and City Council. Additional policy direction may help streamline the decision process and provide clarification for both communities and applicants on the City's rules.

Stakeholders Review Committee

A Stakeholders Review Committee (SRC) should be convened to review implementation of the Wireless Regulations and provide recommendations for potential modifications to the policy and/or the municipal code. A renewal process for existing sites and other modifications may be considered to ensure that the Wireless Regulations are effective and take all potential impacts into account, including the impact of removal of an existing site on wireless communications in the City. The SRC will consist of a total of 18 members representing the following constituencies:

- 8 community representatives (one from each Council district to be appointed by each district Council member)
- 8 wireless industry and related business representatives (appointed by the Mayor)
- 1 representative from the design community (appointed by the Mayor)
- 1 Chairperson (appointed by the Mayor)
- City staff, including Development Services and public safety departments (non-voting)

I nominate Joe LaCava as Chairman of the Committee. In his role as the President of the La Jolla Community Planning Association, Mr. LaCava has firsthand experience working with applications that are regulated by the City's wireless policies. He is also a respected community member that can help to bring a community based perspective to the review process.

SRC Purpose and Mission

The SRC will be asked to review and recommend any changes to the current Wireless Regulations (Council Policy 600-43 and/or the municipal code) as it may see fit to recommend except for the specific regulations that govern applications for facilities on City owned property contained in section D of Council Policy 600-43. Specifically the SRC will be asked to review and report back on the following:

- Review of industry technology and business growth trends, and how those trends impact the numbers locations and type of equipment at future facility sites and what if any changes to the Wireless Regulations might be needed to anticipate and address those trends
- Review of technological considerations unique to wireless facilities and how the Wireless Regulations, can be designed to accommodate the public's growing need for wireless coverage while preserving community character
- Treatment of existing sites that have been processed under the current Wireless Regulations, including opportunities to create more policy flexibility for communities and applicants to arrive at mutually agreeable solutions and evaluation of whether the same requirements should apply across all zones

- Evaluation of the public benefits and costs of the current Wireless Regulations, as they have been enforced since adoption in 2007

Assessment of impacts on public safety-serving facilities of current Wireless Regulations

Potential for development of a renewal process and, if appropriate, standards and criteria to be used in reviewing renewal applications

The final recommendations of the committee will be made to my office no later than December 1, 2009 and will then be reviewed through the appropriate channels including, but not limited to, the Community Planners Committee (CPC), Technical Advisory Committee (TAC), Planning Commission, and City Council.

Next Steps

Each Council District is asked to forward a nomination for the Committee to my office no later than July 15, 2009. Once all nominations are received, the Committee will begin its work. Committee members should be prepared to attend meetings at least twice per month and to review background and technical materials provided to the members.

Staff support for the Committee will be provided by the Development Services Department and any questions you have may be directed to Phil Rath in my office at (619) 236-6980.

JS/pr

Attachments: A. City of San Diego Council Policy Number 600-43
B. City of San Diego Municipal Code Section 142.0420

cc: Jan Goldsmith, City Attorney
Jay Goldstone, Chief Operating Officer
Kelly Broughton, Director, Development Services Department
Jim Barwick, Director, Real Estate Assets Department
William Anderson, Director, City Planning and Community Investment Department
Jeff Sturak, Independent Budget Analyst Office